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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. DX01088KB  
First Inventor Stephen D. HURST  
Title Cytokine Uses; Compositions; Methods  
Express Mail Label No. EL 982 851 029 US

22388 U.S. PTO  
10/705183



## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

## ADDRESS TO:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 25]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Pages       ]
5. Oath or Declaration [Total Pages 3]
  - a. ☐ New executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
    - i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☒ paper
  - c. ☒ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement Power of  
(when there is an assignee) Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Copies of IDS  
Statement (IDS)/PTO-/SB/08 Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
16. ☐ Nonpublication Request under 35 U.S.C.  
122(b)(2)(B)(i), (Form PTO/SB/35).
17. ☒ Other: (a) Cover Sheet for patent application with  
Express Mail Certificate of Mailing, (b) copies of 2 Restriction  
Requirements from parent application, and (c) Use of Prior  
Sequence Submission Under 37 CFR §1.821(e).

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/836,385  
Prior application information: Examiner: Dong JIANG Group Art Unit: 1646

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label :

**028008**

or ☐ Correspondence address below:

DNAX Research, Inc.  
901 California Ave.  
Palo Alto, CA 94304  
Telephone: (650) 496-6400  
Facsimile: (650) 496-1200

Name (Print/Type)	Tom Brody, Reg. No. 46,433	Date	Nov. 10, 2003
Signature			

"Express Mailing" mailing label number EL 982 851 029 US Date of Deposit: November 10, 2003  
I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:

Tom Brody

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# FEE TRANSMITTAL

## for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$ **942.00**)**Complete if Known**

Application Number

Filing Date

First Named Inventor

Examiner Name

Art Unit

Attorney Docket No.

Herewith

Stephen D. HURST

DX01088KB

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Other ☐ None☒ Deposit Account:Deposit Account Number: 04-1239Deposit Account Name: DNAX Research, Inc.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	<u>770</u>
1002 340	2002 170	Design filing fee	_____
1003 530	2003 265	Plant filing fee	_____
1004 770	2004 385	Reissue filing fee	_____
1005 160	2005 80	Provisional filing fee	_____

SUBTOTAL (1) \$ 770**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

	Extra Claims	Below	Fee Paid
Total Claims <u>13</u>	-20** = <u>0</u>	X	= <u>0</u>
Independent Claims <u>5</u>	-3** = <u>2</u>	X	= <u>172</u>
Multiple Dependent	_____	_____	= _____

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$ 172.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	_____
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	_____
1053 130	1053 130	Non-English specification	_____
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	_____
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	_____
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	_____
1251 110	2251 55	Extension for reply within first month	_____
1252 420	2252 210	Extension for reply within second month	_____
1253 950	2253 475	Extension for reply within third month	_____
1254 1,480	2254 740	Extension for reply within fourth month	_____
1255 2,010	2255 1,005	Extension for reply within fifth month	_____
1401 330	2401 165	Notice of Appeal	_____
1402 330	2402 165	Filing a brief in support of an appeal	_____
1403 290	2403 145	Request for oral hearing	_____
1451 1,510	1451 1,510	Petition to institute a public use proceeding	_____
1452 110	2452 55	Petition to revive - unavoidable	_____
1453 1,330	2453 665	Petition to revive - unintentional	_____
1501 1,330	2501 665	Utility issue fee (or reissue)	_____
1502 480	2502 240	Design issue fee	_____
1503 640	2503 320	Plant issue fee	_____
1460 130	1460 130	Petitions to the Commissioner	_____
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	_____
1806 180	1806 180	Submission of Information Disclosure Stmt	_____
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	_____
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	_____
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	_____
1801 770	2801 385	Request for Continued Examination (RCE)	_____
1802 900	1802 900	Request for expedited examination of a design application	_____

Other fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) \$ 0**SUBMITTED BY**

(Complete (if applicable))

Name (Print/Type)

Tom Brody

Registration No.

46,433

Telephone 1-650-496-6400

Signature



Date

Nov. 10, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.